



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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October 25, 2018

BY ECF and Email

Hon. Analisa Torres
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: SEC v. Kern, 18-mc-479-AT

Dear Judge Torres:

By this letter, the Securities and Exchange Commission (the “Commission”), through its counsel, writes to inform the Court that we have been unable to serve the defendant John Kern in connection with the above referenced action. Attached to this letter as Exhibit 1 is a declaration by the process server documenting the repeated attempts to serve Mr. Kern. Upon information and belief, Mr. Kern is not in the United States. The Commission has not yet located Mr. Kern. Accordingly, we seek an extension of time to serve Mr. Kern until November 30, 2018. If by that time we have been unable to serve Mr. Kern, we will report back to the Court and propose next steps to serve Mr. Kern. The Commission also seeks an extension of the dates for: (i) the filing of any opposition to the order to show cause, now scheduled for October 25, 2018; (ii) the filing of a reply to any opposition, now scheduled for October 29, 2018; and (iii) a hearing on the Order to Show Cause, now scheduled for November 1, 2018. No previous requests for postponement have been made. As Mr. Kern cannot be located, he has not been consulted on this request.

Sincerely,

s/ Maureen Peyton King

GRANTED. The show cause hearing
scheduled for November 1, 2018 is
ADJOURNED *sine die*. By November
30, 2018, the Commission shall serve
Defendant or advise the Court of its
efforts.

SO ORDERED.

Dated: October 25, 2018
New York, New York


ANALISA TORRES
United States District Judge